

REMARKS

Claims 1-17 are pending.

In the final office action mailed October 27, 2003, claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. ["Lin," 6,526,403], filed December 17, 1999. In addition, the Examiner stated that the declaration of Rodney Bennett and exhibit submitted in the response mailed August 13, 2003, was insufficient to overcome Lin.

Applicant submitted an Amendment After Final mailed February 17, 2004 in which applicant submitted a supplemental declaration of Rodney Bennett, a declaration by J. Dale Debber, and three exhibits to provide corroborating evidence of Applicant's conception and diligent reduction to practice of the invention claimed by the present application before the Lin reference.

On March 1, 2004, a telephone interview took place to discuss the outstanding Office Action and Amendment After Final. Participating in the telephone interview were Examiner Chongshan Chen and Applicant's representative Greg Sueoka. Applicant thanks the Examiner for the opportunity to discuss this application. During the interview, the Examiner stated that the Amendment After Final would not be considered. In addition, the Examiner stated that the supplemental declarations and exhibits had not been received with the Amendment After Final. An Advisory Action to this effect was received by Applicant via facsimile on March 1, 2004.

Applicant notes that a postcard bearing a February 17, 2004 OIPE date stamp and listing the items received by the USPTO, including the supplemental declarations and exhibits, was received by Applicant's representative on February 23, 2004. A copy of that postcard is attached hereto.

Applicant respectfully requests that the Amendment After Final, originally mailed February 17, 2004, be considered. Because the Examiner stated he did not receive the accompanying declarations and exhibits, a copy of the Amendment After Final with declarations and exhibits as mailed February 17, 2004, is attached hereto.

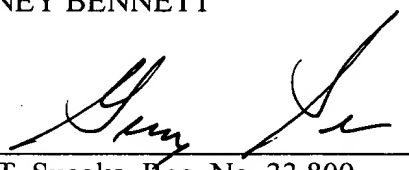
Thus, Applicant requests continued examination as the last date for reply to the Final Office Action mailed October 27, 2004 is approaching and the Examiner has stated that he will not consider the Amendment After Final and has not received the accompanying declarations and exhibits.

Enclosed is a check in the amount of \$540 for the fee required for the request for reexamination (\$385; 37 U.S.C. § 1.17(e)) and a check in the amount of \$155 for an amendment with a two month extension (\$210; 37 U.S.C. § 1.17(a)) minus the already paid fee for a one month extension (\$55) submitted by check February 17, 2004 (a copy of which is enclosed herewith).

Favorable action is hereby solicited.

Respectfully submitted,
RODNEY BENNETT

Date: March 2, 2004

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